

**DEQ – Air Quality Division
SUMMARY OF NEGOTIATED RULEMAKING
REGIONAL HAZE
Docket 58-0101-0601
May 31, 2006**

PARTICIPANTS

Anderson, Mary - DEQ-Modeling
Dalton, Michael - Amalgamated Sugar
Dzomba, Thomas - Forest Service-Montana (participated by telephone)
Edwards, Mike - DEQ-SIP Coordinator
Kronberg, Lisa - Attorney General's Office
Estee Lorenz - Kleinfelder
McIntyre, Krista - Stoel Rives
Ottersburg, Eri - Geomatrix (participated by telephone)
Rush, Dick - IACI
Schaefer, Suzanne - SBS Associates - P4
Simon, Mike - DEQ-Stationary Sources
Wilkinson, Bob - Husch & Eppenberger - P4
Wilkosz, Robert - DEQ-Mobile/Area Source
Wolleson, Ward - J.R. Simplot
Heitman, Phyllis - DEQ-AQ Management Assistant

NOTE: All attachments referenced in this summary are available on the DEQ web site at www.deq.idaho.gov/rules/air/58_0101_0601_negotiated.cfm, or by calling the DEQ Air Quality Office at 208-373-0256.

Mike Edwards called the meeting to order at 8:30 a.m. on May 31, 2006 at the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho. Participants were introduced.

MODELING PROTOCOL

Mike Edwards reported that IACI had asked for a time extension to comment on the modeling protocol. Mr. Edwards said DEQ would extend the due date to June 9.

REGIONAL HAZE RULE

Mary Anderson said DEQ made revisions to the Regional Haze Rule to more closely follow federal regulation 51.308. Changes discussed at the May 18 meeting have been incorporated.

- "Cause" and "contribute" sections were moved to the BART section
- Appendix Y was removed from the rule and will be used as guidance
- Draft section 203.03, relating to minor sources that were "x" kilometers from a Class I Area, was deleted; DEQ determined it has authority to consider minor sources if a visibility issue exists

- There was discussion about whether DEQ needs to include information in the SIP to satisfy older portions of the federal regulation, specifically Sections 302 and 307; Mr. Edwards spoke with EPA and they asked DEQ to submit a formal letter asking for clarification.
- Utah developed an MOU asking the FLM's to certify there were no impacts and that the current process is working. DEQ will work with EPA to determine if something similar is needed for Idaho; general consensus at the last rule meeting was to leave the FIP in place
- Additionally, DEQ will ask EPA whether regional haze BART will satisfy RAVI BART
- Long-Term Strategy is a new section that follows federal regulation
- Under the Reasonable Progress Goals section, insert language in the introduction or add a new Section xxx.03 discussing applicable requirement (40 CFR 51.308(d)(i)(5)) and stating RPG's are not federally enforceable but the control strategies are
- Draft list of definitions are under review by DEQ; conflicts need to be resolved; regional haze definitions must mesh with permitting definitions; place definitions in Section 006 if appropriate
- Confusion exists in definitions of source, facility, emission unit, BART-eligible units, etc; these terms could be clarified in a guidance document
- Add missing catch lines
- Determine location for new rule sections in existing rule

CONSTRUCTION ACTIVITIES RULE

- Section 652 deleted
- Added Class I area language to Section 651

SMOKE MANAGEMENT RULE

- Added Class I area language to Section 600
- Cross-reference long-range strategy sections
- DEQ has authority to require database tracking; forest burners, through the Idaho-Montana program, have good tracking system; CRD rules referenced in DEQ's open burning rules require data from agricultural burners - some data components may be missing and/or not being reported
- Montana is incorporating a model called FOFEM (First Order Fire Effects Model) into their reporting system next year which will automatically calculate emissions (PM2.5 and others) based on fuel types, fuel loadings, temperatures, etc; Idaho agreed to adopt also. The model will run when the burners provide their burn list at the beginning of the season.

NEXT VERSION OF REVISED RULES

DEQ will make the revisions as discussed and forward another draft to the group for review and comment.

SCHEDULE FOR NEXT MEETING

The next negotiated rulemaking meeting is scheduled for June 20, 2006, 1:30 p.m. - 5:00 p.m. at the DEQ State Office Building in Boise. Members should note the change in meeting time.

Agenda will include

- Review final draft rules - begin the proposed rule process
- Review modeling protocol - review comments and proposed responses
- Begin stakeholder education/outreach process:
 - Emission inventory (point, area, mobile)
 - WRAP products
 - Schedule for rulemaking, BART process, modeling phase, stakeholder process for additional control measures, and SIP development

Meeting adjourned at 10:30 a.m.